

## Message Text

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PAGE 01 TUNIS 09103 301435Z  
ACTION EPA-04

INFO OCT-01 NEA-10 ISO-00 OES-06 FSE-00 ABF-01 SSO-00 /022 W  
-----301437Z 032548 /43  
O 301420Z DEC 76  
FM AMEMBASSY TUNIS  
TO SECSTATE WASHDC IMMEDIATE 5356

UNCLAS TUNIS 9103

FOR ENVIRONMENTAL PROTECTION AGENCY

E.O. 11652: N/A  
TAGS: TPHY, SENV, OSCI, TS  
SUBJECT: EPA/SFCP: EUTROPHICATION OF LAKE OF TUNIS, 7-522-1

REF: STATE 312107

1. SEVERANCE PAY ISSUE RAISED UPON TERMINATION OF SMITHSONIAN'S MEDITERRANEAN MARINE SORTING CENTER (MMSC) PROJECT WHICH HAD BEEN ACTIVE FOR TEN YEARS, ALSO IN COLLABORATION WITH INSTOP. AFTER CAREFUL CONSIDERATION, IT WAS AGREED TO GRANT ALL MMSC EMPLOYEES SEVERANCE PAY IN ACCORDANCE WITH TUNISIAN LAW (PARA 3 BELOW). SMI POSITION (SUPPORTED BY EMBASSY) WAS THAT SEVERANCE PAY NOT LEGALLY REQUIRED SINCE ALL EMPLOYEES WERE ON ANNUAL CONTRACTS FOR A TEMPORARY PROJECT SUBJECT TO CONGRESSIONAL APPROPRIATION OF FUNDS. TEMPORARY NATURE OF PROJECT HAS BEEN UPHOLD IN TUNISIAN COURT SYSTEM AS RESULT CASE BROUGHT AGAINST SMI BY FORMER MMSC EMPLOYEE. FYI - EMPLOYEE NOW ATTEMPTING APPEAL TO SUPREME COURT (COUR DE CASSATION). END FYI.

2. ASSUME EPA PROJECT TUNISIAN EMPLOYEES ARE AWARE OF MMSC SETTLEMENT AND THUS HAVE CLAIMED SAME BENEFITS FOR THEMSELVES. ASSUME ALSO ALL SUCH EMPLOYEES WERE ON TEMPORARY CONTRACTS AND HAVE BEEN WITH PROJECT FOR RELATIVELY SHORT  
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PAGE 02 TUNIS 09103 301435Z

TIME. GIVEN PRECEDENT, AND DESPITE POSSIBLE LEGAL ARGUMENTS TO CONTRARY, EMBASSY RECOMMENDS THAT EPA PROVIDE SEVERANCE PAY TO ALL PROJECT EMPLOYEES WHO WORKED FULL TIME ON PROJECT AND WHO ARE NOT REGULAR PERMANENT EMPLOYEES OF INSTOP.

3. A. SEVERANCE PAY UNDER TUNISIAN LAW:

TIME EMPLOYED	SEVERANCE PAY
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1 TO 3 MONTHS	3 DAYS SALARY
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3 TO 6 MONTHS	7 DAYS SALARY
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6 MONTHS TO 1 YEAR	15 DAYS SALARY
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V 15 DAYS SALARY

MAXIMUM SEVERANCE PAY 90 DAYS SALARY

B. EMBASSY SCHEDULE IS SIMILAR WITH EXCEPTIONS THAT  
MATWOUN PAYMENT IS ONE YEAR'S SALARY, AND EMPLOYEE  
NOT ELIGIBLE UNTIL ONE YEAR OF SERVICE.

4. EPA MAY WISH CONSULT BMI GENERAL COUNSEL ROBINSON ON  
THIS QUESTION.

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
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**Current Classification:** UNCLASSIFIED  
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